United Nations A/58/281

General Assembly

Distr.: General
14 August 2003

Original: English

Fifty-eighth session
Item 114 of the provisional agenda*
Report of the United Nations High Commissioner for Refugees, questions relating to refugees, returnees and displaced persons and humanitarian questions

Follow-up to the Regional Conference to Address the Problems of Refugees, Displaced Persons, Other Forms of Involuntary Displacement and Returnees in the Countries of the Commonwealth of Independent States and Relevant Neighbouring States

Report of the Secretary-General**

Summary

The present report is submitted pursuant to General Assembly resolution 56/134 of 19 December 2001, in which the Assembly noted with satisfaction the efforts of the Office of the United Nations High Commissioner for Refugees, the International Organization for Migration and the Organization for Security and Cooperation in Europe in developing strategies and practical tools for more effective capacity-building in countries of origin and enhancing programmes to address the needs of various categories of concern to the countries of the Commonwealth of Independent States (CIS).

In resolution 56/134 the Assembly also reaffirmed the importance and continuing validity of the Programme of Action, adopted in 1996 by the Regional Conference to Address the Problems of Refugees, Displaced Persons, Other Forms of Involuntary Displacement and Returnees in the Countries of the Commonwealth of Independent States and Relevant Neighbouring Countries, held in Geneva on 30 and 31 May 1996, and recognized the ongoing acuteness of the migration and displacement problems in the countries of the Commonwealth of Independent States;

* A/58/150.

** The report was late as a result of constraints in collecting information from the field.

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invited the countries of the Commonwealth of Independent States to intensify bilateral, subregional and regional cooperation in maintaining the balance of commitments and interests in such activities; welcomed the progress made in building civil society, in particular the development of the non-governmental sector and its cooperation with Governments; and emphasized the necessity of ensuring respect for human rights and the rule of law in the management of migration flows.

Pursuant to resolution 56/134, the present report provides further information relating to implementation of the Programme of Action, followed by a review of progress made and future plans.

I. Implementation of the Programme of Action

1. The strengthening of partnerships among Governments, international organizations and non-governmental organizations (NGOs) in the field of involuntary displacement and migration has been one of the most valuable achievements of the 1996 Geneva Conference. The inter-agency mechanism set up to support the implementation of the Programme of Action of the Conference following the fifth and final meeting of the Steering Group in 2000 constitutes the main framework for that cooperation. Building on the complementarity of their mandates and goals, the agencies involved — the Office of the United Nations High Commissioner for Refugees (UNHCR), the International Organization for Migration (IOM), the Office for Democratic Institutions and Human Rights of the Organization for Security and Cooperation in Europe (OSCE) and the Council of Europe — developed a work plan, adopted in 2001, based on an assessment of the 1996 Geneva Conference and recommendations for further action made by States participating in the Steering Group. The plan foresees inter-agency cooperation and activities in four thematic areas, as follows:

(a) Continued focus on groups of concern, including those listed in the Programme of Action: refugees, internally displaced persons, illegal migrants, persons in refugee-like situations, repatriants, involuntarily relocating persons, formerly deported peoples and ecological migrants. UNHCR was designated lead agency for follow-up activities under this theme, with the following contributing entities: the OSCE Office for Democratic Institutions and Human Rights, IOM, the Danish Refugee Council, Counterpart International and the Office of the Special Representative of the Secretary-General on internally displaced persons;

(b) Migration management, including combating illegal/illicit migration and trafficking in persons, and improving border management, with due attention to asylum issues and the human rights of the individuals concerned. IOM is the lead agency on this theme; contributing entities are the OSCE Office for Democratic Institutions and Human Rights, UNHCR and the Council of Europe;

(c) Sustaining the achievements and activities of the NGO sector and of civil society and promoting further participation by international and local NGOs. UNHCR was designated lead agency for the sub-themes of financial sustainability, NGO capacity-building and partnership. The Council of Europe was given responsibility for leading the sub-theme of the NGO legal framework;

(d) Implementing legislation and avoiding implementation gaps, which encompasses the sub-themes of refugee law, citizenship and statelessness and migration legislation. UNHCR is the lead agency for implementation of refugee law; UNHCR and the Council of Europe are co-lead agencies for citizenship and statelessness issues; and IOM is the lead agency for implementation of migration law.

2. In the context of the inter-agency work plan, UNHCR organized two expert group meetings. The first addressed the issue of citizenship and prevention of statelessness and was held in Kyiv from 11 to 13 December 2000 in cooperation with the Council of Europe. It was attended by all the States of the Commonwealth of Independent States (CIS) (except Uzbekistan), the Baltic States, national and international NGOs, the OSCE Office for Democratic Institutions and Human Rights and IOM. The second expert group meeting focused on the topic of asylum system

development and treatment of asylum-seekers in the CIS countries. It was held in Moscow from 20 to 23 November 2001 with all the CIS countries participating (except Uzbekistan), as well as Denmark, Germany, the Netherlands and the United Kingdom of Great Britain and Northern Ireland. International organizations represented were the OSCE Office for Democratic Institutions and Human Rights and IOM. NGOs from all participating CIS countries attended, as well as the coordinators of the CIS NGO working groups.

3. Strengthening civil society and involving NGOs in the implementation of the Programme of Action were among the main objectives of the 1996 Geneva Conference. Together with its partners, UNHCR has therefore given priority to efforts to create an enabling environment and to establish an NGO legal framework. It has also sought to put in place specific mechanisms that involve NGOs in involuntary displacement and migration issues, including the NGO fund, through which UNHCR field offices and indigenous NGOs have benefited from capacity-building support and small grants. Several publications have assisted UNHCR country offices and NGOs in gaining access to relevant information on displacement and have enhanced their understanding of international standards on asylum and migration. NGO networking and advocacy has been facilitated by the establishment of four CIS-wide NGO working groups that brought together dozens of NGOs from the CIS countries under the leadership of international NGO facilitators. Those working groups focused on the specific topics of refugee protection, conflict prevention and resolution, durable solutions to displacement and emergency and humanitarian assistance. The lead agencies of the groups have been the Danish Refugee Council, the Norwegian Refugee Council, Non-Violence International and Counterpart International. They have provided opportunities for continued, active participation in implementing projects envisaged in the Programme of Action of the Geneva Conference.

4. A CIS-wide learning programme on financial sustainability has been designed and implemented by UNHCR as part of the inter-agency work plan. Its aim was to increase the financial sustainability of NGOs through diversification of their funding and better financial planning and management. For its part, the Council of Europe, oversaw the adoption by its Ministerial Committee of the fundamental principles of NGO legal frameworks in 2002. Under the sub-theme of capacity-building, UNHCR prepared country analyses of the NGO environment and situation in all the CIS countries (except Kazakhstan and Turkmenistan) and facilitated access by CIS local organizations to the NGO consultations that precede the annual session of its Executive Committee, as well as to human dimension meetings of the OSCE Office for Democratic Institutions and Human Rights, United Nations Children's Fund (UNICEF) NGO Committee meetings and other international policy forums on involuntary displacement and human rights.

5. Partners in the follow-up to the CIS conference have now gained a better understanding of the close link between migration and asylum, as well as between the involuntary displacement of population and inter-State relationships. In that context, the partnership between IOM and UNHCR has been further strengthened, addressing issues arising from the illegal movement of persons between the CIS countries and from the CIS countries to countries of the European Union and candidate and acceding countries. The two agencies have also continued their joint capacity-building activities for national institutions of the CIS countries dealing with asylum and migration.

6. Among the root causes of involuntary displacement of populations lies the violation of fundamental human rights of citizens. In close cooperation with IOM and the Council of Europe, UNHCR has been engaged in training staff of national institutions in human rights themes, ranging from the characteristics of the rule of law to building a fair and efficient procedure to determine national refugee status. Considerable attention has been given to balancing issues such as the legitimate interest of States to control migration and the right of individuals to seek asylum.

II. Review of progress made and future plans

7. At its fifty-second session, in October 2001, the Executive Committee of UNHCR called for a high-level review meeting to address key remaining problems relating to the existing gaps in legislation and practice affecting effective migration management and refugee protection, to take place in 2002.[1] The review meeting was also intended to serve as the reporting and review mechanism for the follow-up process, to help the international community to properly acknowledge the positive developments achieved and to enable the participating States to outline the constraints encountered. It was also expected to serve as a platform for participating States to present their views on the need for further support from international organizations and the donor community, together with ideas on how the regional cooperative mechanism could be developed to help meet those needs, drawing on expertise and experience from among the countries concerned. Because of financial constraints, the high-level review meeting was postponed to 2003. UNHCR has recently reconfirmed its interest in and commitment to exploring the possibility of holding a review meeting in 2003 or 2004.

8. The interest of States in controlling migration flows, while at the same time respecting their humanitarian commitments, has become a major challenge for all of Europe, both East and West. The European Union, together with candidate and acceding States, is deeply concerned at the increase in trafficking in persons and the influx of so-called illegal migrants coming from or transiting through the CIS countries. That challenge calls for a comprehensive and forward-looking approach that respects the principles of international refugee law and the rights of asylum-seekers and refugees. For that objective to be achieved, countries on both sides of the European Union's eastern border will need to work together.

9. To that end, a new dimension of activities has emerged. Along with the Swedish Migration Board, UNHCR has initiated a series of subregional activities called the cross-border cooperation process, also known as the Söderköping process. The joint effort addresses both UNHCR concerns in the region and the approach it had promoted as a follow-up to the 1996 Geneva Conference. Sweden, for its part, counts among the Friends of the 1996 Conference. The new initiatives were also in conformity with Sweden's priorities when holding the presidency of the European Union in 2001. Subregional activities within the framework of the Söderköping process involve 10 countries grouped in two clusters, a northern cluster bringing together Belarus, Estonia, Latvia, Lithuania, Poland and Ukraine, and a southern group that includes Hungary, the Republic of Moldova, Romania, Slovakia and Ukraine, as well as interested international organizations (IOM and the European Union).

10. Within that framework, States on both sides of the European Union border are pledging common efforts to ensure humane management of irregular migration flows, including granting international protection to genuine asylum-seekers in a spirit of solidarity and burden-sharing. The Söderköping process also serves as a forum where gaps in national capacity-building activities are identified and external support is mobilized to fill them.

11. States in the region should thus gain a better awareness of international refugee law and increased information on migration in neighbouring countries' asylum legislation and related administrative structures. The improved exchange of information and cooperation among the concerned States on individual asylum cases will help avoid cases of refoulement or chain refoulement. Border guards will be better equipped, moreover, to identify asylum requests and channel them to the national authority dealing with asylum and migration.

12. UNHCR, together with the Swedish Migration Board, and in close cooperation with IOM and the European Union, organized a senior-level review meeting in Kolmården, Sweden, in September 2002. Eighteen senior officials from migration and border guard structures in Belarus, Latvia, Lithuania, Poland, the Republic of Moldova and Ukraine took part in the meeting, which reviewed progress since the launching of the Söderköping process and discussed future plans, including linkages with similar subregional groups and relevant processes resulting from the 1996 Geneva Conference.

13. In their country reports and subsequent discussions in Kolmården, participating States identified the following issues as particularly problematic and deserving more attention: the integration of recognized refugees in their asylum countries and the sharing of experience in that area; the sustainable return of unsuccessful asylum-seekers and illegal migrants; the application of the "safe third country" notion; combating trafficking in persons and drugs; and tracking initiatives related to enhancing cross-border and regional cooperation.

14. It was also decided at the Kolmården meeting that Latvia and the Republic of Moldova should join the process as full members instead of observers. Moreover, invitations would be extended to Estonia, Hungary, Romania and Slovakia to participate in the process. It was also agreed that, in addition to meetings of the northern and the southern clusters, a plenary meeting of the 10 participating countries would be held once a year in Sweden. The possibility of establishing a secretariat to coordinate the ongoing and emerging cross-border cooperation processes and to consider ways of involving NGOs was also envisaged, subject to the availability of funds.

15. Following these discussions, the Cross-Border Cooperation Secretariat was established in March 2003 in Ukraine, in the UNHCR office. This coordinating body is funded by the European Union, with logistical support from UNHCR. The Cooperation Secretariat organized a meeting of the northern cluster in Kyiv in July 2003 and is preparing a meeting of the southern cluster to be held in Chisinau in September 2003. A follow-up high-level review meeting was expected to be held in Söderköping, Sweden, in October 2003.

16. Although not yet formalized as a proper "process", it is planned to organize a series of theme-oriented subregional meetings in the Caucasus and Central Asia on

such topics as property rights, including issues of restitution and compensation and treatment of asylum-seekers.

17. The CIS NGO working groups have now grown into largely self-sustaining networks engaged in capacity-building, advocacy and research and analysis of displacement and asylum issues and in operational assistance to displaced populations in the CIS countries. It is planned that administration of the working groups will be handed over gradually to local NGO members of the working groups in 2003-2004. UNHCR will continue to provide financial assistance to the working groups during the transition. The redeployment of the post of UNHCR Regional NGO Adviser from Moscow to Budapest is designed to enforce cross-border cooperation and exchange between the regions of the Baltic States, Central Europe, CIS and South-East Europe. UNHCR will continue to place high importance on the continued involvement of NGOs in the 1996 Geneva Conference follow-up events and activities and will encourage their participation in all relevant regional processes, such as the Söderköping process.

III. Conclusion

18. **As demonstrated in the present report, UNHCR is committed to continuing to work in partnership to address outstanding elements identified as part of the 1996 Geneva Conference follow-up process and to supporting a review mechanism that is adjusted to the evolving environment in which the 12 CIS countries coexist and which affects their relationships both within and beyond their geographical borders.**

Notes

[1] *Official Records of the General Assembly, Fifty-sixth Session, Supplement No. 12A* (A/56/12/Add.1), para. 24 (e).